

INTELLIGENCE CHARTER LEGISLATION

Pro/Leg

(S. 2525, Introduced 9 February 1978)
(H. R. 11245, Introduced 2 March 1978)

GENERAL

1. Implements by statute many of the provisions of E.O. 12036 (26 January 1978), but goes beyond the E.O. in establishing new responsibilities, authorities and restrictions; for example: electronic surveillance, restrictions on certain intelligence activities, detailed oversight and reporting requirements and organizational changes [that require a statute to implement].
2. Appears to be no expectation that the legislation will be enacted this year.
3. This bill is intended as an agenda for discussion, and there will be many changes; we simply don't know what the legislation will look like after hearings and extensive discussions between the oversight committees (and other committees with substantive jurisdiction over the subject matter of the bill) and the Administration.

ORGANIZATION

1. Establishes position of Director of National Intelligence (DNI), vice present DCI.
 - a. broad duties and responsibilities relating to collection, production, analysis and dissemination of foreign intelligence, including national intelligence, foreign counterintelligence and foreign counterterrorism.
 - b. statutory budgetary authority.
 - c. principal intelligence adviser.
 - d. principal spokesman to the Congress on intelligence.
 - e. an Office of the Director of National Intelligence is established under the DNI.
2. Deputy DNI and up to five Assistant DNIs, all appointed by the President and subject to Senate confirmation, to assist the DNI.
 - a. limits number of years a person could serve as Director or Deputy, essentially to two six-year terms.
3. DNI remains as head of CIA, but provision is made for transferring this responsibility to the Deputy or to an Assistant DNI.

4. Provides new charter for CIA in lieu of existing charters.
 - a. new and more detailed authorities and responsibilities, including, but not limited to: responsibility to coordinate all clandestine collection of foreign intelligence, authority to maintain secure cover, and duty to carry out "special activities."
5. Provides new charter for FBI.
6. Provides, for the first time, a statutory charter for the National Security Agency.
 - a. NSA remains in Department of Defense.
 - b. NSA would be primarily responsible for conducting the Government's signals intelligence and communications security activities.

BUDGETARY

1. An important aspect of the legislation is to establish lines of control and responsibility for development of the Government's intelligence budget.
 - a. DNI is responsible for preparing and approving the budget for presentation to OMB and the President, and then to Congress.
2. Important from the Congressional viewpoint is that intelligence activities will be subject to regular authorizations.
 - a. details of this complex and sensitive aspect will have to be worked out carefully.
3. Provisions also for Comptroller General audits.

RESTRICTIONS

1. Detailed standards applicable to all collection of information on U.S. persons as sources of intelligence or as targets of foreign powers or intelligence services.
2. Also addresses issue of limitations on and guidelines for collecting information on foreign persons in the U.S.
3. Separate title on foreign intelligence electronic surveillance in the U.S. (similar to S. 1566, now before full Senate) and on U.S. persons abroad.

4. Many specific restrictions on types of activities that would be prohibited, including, for example:

- a. use of journalists and persons following religious vocations.
- b. violent overthrow of democratic governments; assassination of foreign officials; torture; creation of epidemics; mass destruction of property; or use of chemical, biological or other weapons in violation of treaties or agreements to which the U.S. is a party.

OVERSIGHT

1. Extensive intra-Executive Branch responsibilities to monitor, uncover and report on violations or improprieties.

- a. roles of Intelligence Oversight Board, the DNI, heads of Intelligence Community entities, the Attorney General, and inspectors general and general counsels.

2. The Senate and House Intelligence Committees are clearly established as the Congressional focus for oversight and reporting by the Executive Branch on intelligence activities.

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OLC: 78-0399/25

DATE

13 March 1978

TO: (Officer designation, room number, and building)

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OFFICER'S
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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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FORWARDED

Attached is a very short outline of some of the major issues contained in the charter legislation. Since we obviously cannot yet discuss Agency or DCI positions on the legislation, I have tried to cast the outline as an objective presentation.

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